

Office of Court Administration

Harassment Prevention Policy

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Approved by:



David Slayton

Office of Court Administration Harassment Prevention Policy

As a matter of policy, the Office of Court Administration (“OCA”) will not tolerate the harassment of any employee by any other employee or supervisor for any reason. In addition, harassment may be a violation of various state and federal laws which may result in liability for the unlawful conduct.

Under Title VII of the Civil Rights Act of 1964, “[i]t shall be an unlawful employment practice for an employer . . . to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.”

SEXUAL HARASSMENT

Sexual harassment is one type of unlawful employment practice prohibited by Title VII. Sexual harassment under that law is:

- Unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature when (1) submission to the conduct is made either implicitly or explicitly a condition of the individual’s employment, or (2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- Harassment that has the purpose or effect of unreasonably interfering with the employee’s work performance or creating an environment which is intimidating, hostile, or offensive to the employee.

In addition, Section 39.03 of the Texas Penal Code provides that a public servant acting under color of his office or employment commits a misdemeanor offense if he intentionally subjects another to sexual harassment. Sexual harassment is defined in that law as follows:

“Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person’s exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.”

Sexually-oriented jokes, remarks, gestures, or pictures in the workplace do not necessarily mean that sexual harassment has occurred. Nevertheless, such conduct is often offensive to other employees, and is thus prohibited by OCA. Engaging in such conduct may subject employees to appropriate disciplinary action.

REPORTING VIOLATIONS

Any employee of OCA who believes that he or she has been or may be subjected to conduct in violation of this harassment policy should contact the employee's supervisor or OCA's employee ombudsman. Any employee who becomes aware of any such conduct by any employee, supervisor, or manager should immediately advise his or her supervisor or the employee ombudsman.

The human resources clerk will identify the current employee ombudsman for any employee who does not know who it is, but complaints and reports should be made to the ombudsman or the employee's supervisor. Employees who are directly supervised by the ombudsman may complain to the administrative director of OCA.

REMEDIAL ACTIONS AND NO RETALIATION

There are two types of employees who work under the OCA umbrella. Those who are truly OCA employees work out of the capitol complex offices, and their major employment decisions (such as hiring, firing, promoting, and disciplining) are made by OCA employees. Other employees are employed under the OCA umbrella as IVD masters and assistants. OCA keeps the employment records for those employees, but does not make the major employment decisions, such as hiring and firing, promoting, and disciplining. Those decisions are made for the masters and assistants by the presiding judges of the administrative regions, and OCA has no control over the actions of the presiding judges.

For both types of employees, the previously-described reporting procedures and policies are the same. The investigative and remedial procedures and policies are different, however, because the powers of OCA are different.

When a complaint or report is made of harassment involving a true OCA employee, it will be investigated as soon as possible after the complaint or report is received. The investigator will be the ombudsman or another manager who does not supervise the complaining employee. Appropriate corrective and preventive actions will be taken promptly, up to and including immediate termination for an offending employee. Employees who complain about or report violations of this policy will not be retaliated against because of that complaint or report.

If a harassment complaint is made involving a master or assistant, OCA will attempt to investigate. If the complaint or report appears justified, OCA will request that the presiding judge take appropriate corrective and preventive action, and that no employee be retaliated against because of a harassment complaint or report.